

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
23016-C USA

Total Pages in this Submission

## TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**SYSTEM AND METHOD FOR PROVIDING INCENTIVE TO USER OF A GAMING DEVICE**

and invented by:

Stephen Horniak, James N. Augeri and Stephen C. Horniak

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/339,869

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/774,947

Which is ~~a~~ based on:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 60/179,134

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having Forty-two (42) pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (*if applicable*)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (*if filed*)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal      Number of Sheets \_\_\_\_\_
- b. ☒ Informal      Number of Sheets      Ten (10)
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)*      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail *(Specify Label No.):* EL 977824269 US

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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**Accompanying Application Parts (Continued)**

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_

18. ☒ Additional Enclosures *(please identify below)*:

Copy of 3-month extension of time filed in parent application

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

19. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
23016-C USA

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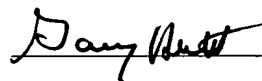
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

| For  | #Filed | #Allowed | #Extra | Rate      | Fee      |
|--|--------|----------|--------|-----------|----------|
| Total Claims   | 15     | - 20 =   | 0      | x \$9.00  | \$0.00   |
| Indep. Claims  | 3      | - 3 =    | 0      | x \$43.00 | \$0.00   |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> |        |          |        |           | \$0.00   |
| BASIC FEE  |        |          |        |           | \$385.00 |
| OTHER FEE (specify purpose) _____  |        |          |        |           | \$0.00   |
| TOTAL FILING FEE   |        |          |        |           | \$385.00 |

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☐ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: November 21, 2003



Signature

Gary A. Hecht, Reg. No. 36,826  
SYNNESTVEDT & LECHNER LLP  
1101 Market Street  
2600 Aramark Tower  
Philadelphia, PA 19107-2950

cc:

Tele: (215) 923-4466  
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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that the documents referred to as enclosed herein in the attached Transmittal Letter are being deposited with the United States Postal Service on this date, Friday, November 21, 2003 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL 977824269 US addressed to the: Mail Stop Patent Application, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Signature

Ryan P. White  
\_\_\_\_\_  
Print Name

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)  
(Small Entity)**

Docket No.  
**23,016-B USA**

In Re Application Of: **Stephen Horniak et al.**

**COPY**

Serial No.  
**10/339,869**

Filing Date  
**January 10, 2003**

Examiner  
**Scott E. Jones**

Group Art Unit  
**3713**

Invention: **SYSTEM AND METHOD FOR PROVIDING INCENTIVE TO USER OF A GAMING DEVICE**

**TO THE COMMISSIONER FOR PATENTS:**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of **May 21, 2003** in the above-identified application.  
*Date*

The requested extension is as follows (check time period desired):

☐ One month    ☐ Two months    ☒ Three months    ☐ Four months    ☐ Five months

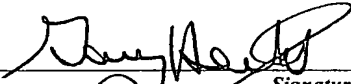
from: **August 21, 2003**    until: **November 21, 2003**  
*Date*    *Date*

A verified statement of small entity status as a small entity under 37 CFR 1.27:

- ☐ is enclosed.  
☐ has already been filed in this application.

The fee for the extension of time is **\$475** and is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.  
☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.  
☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-5425**

  
*Signature*

Dated: **November 21, 2003**

**Gary A. Hecht, Reg. No. 36,826  
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1101 Market Street  
2600 Aramark Tower  
Philadelphia, PA 19107-2950**

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Fax: (215) 923-2189

CC:

I certify that this document and fee is being deposited on 11/21/2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



*Signature of Person Mailing Correspondence*

**Patricia M. Frisoli**

*Typed or Printed Name of Person Mailing Correspondence*